

EXHIBIT A

UNITED STATES DISTRICT COURT

for the
Northern District of Texas

Adam Ferrari

Plaintiff

v.

William Francis

Defendant

Civil Action No. 3:23-CV-455

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: DocuSign, Inc., a Delaware corporation
c/o Registered Agent, United Agent Group, 707 W. Main Avenue, #81, Spokane, WA 99201

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Exhibit A.

Place: Brown Fox PLLC
8111 Preston Rd., Suite 300
Dallas, Texas 75225

Date and Time:
02/08/2024 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Charlene C. Koonce

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* William Francis, who issues or requests this subpoena, are:

Charlene C. Koonce, Brown Fox PLLC, 8111 Preston Rd., Suite 300, Dallas, Texas 75225, (214) 327-5000

Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 3:23-CV-455

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*I received this subpoena for *(name of individual and title, if any)* _____on *(date)* _____.☐ I served the subpoena by delivering a copy to the named person as follows: __________ on *(date)* _____; or☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

*Server's signature*_____
*Printed name and title*_____
Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT “A”

A. Definitions

“You” or “Your” means DocuSign, Inc.

1. “Communication” means the transmittal of information (in the form of facts, ideas, inquiries or otherwise), including, without limitation, written, oral, or electronic transmissions (including, but not limited to, electronic mail, texts, social media messaging, WhatsApp messaging, Signal Messaging, etc.).
2. “Document(s)” or “Information” means all materials within the scope of the Texas Rules of Civil Procedure, including, without limitation, all writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations, including electronically-stored information (“ESI”), that are stored in any medium whatsoever from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form, as well as any tangible things. A draft or non-identical copy of a document is a separate document within the meaning of this term. A document includes all appendices, schedules, exhibits, and other attachments. The term “Document(s)” or “Information” includes but is not limited to emails and other types of messages (including but not limited to text, instant, and direct messages), social media or other online content, data generated and stored by devices connected to the Internet of Things (“IoT”), communications generated and stored in workplace collaboration tools or ephemeral messaging applications, and all associated data and metadata.
3. The words “and” and “or” shall be construed disjunctively or conjunctively to bring within the scope of each interrogatory all responses which otherwise might be construed to be outside the scope of an interrogatory.
4. The word “any” shall be construed to include “all” and vice versa.
5. The word “each” shall be construed to include “every” and vice versa.
6. Any word in the singular form shall also be construed as plural and vice versa.
7. The masculine form shall also be construed to include the feminine and vice versa.

B. Instructions

1. If any document which otherwise falls within the scope of this Request is not produced by you, list the document(s) not produced and, for each such document, state:
 - A. the reasons for withholding each such document;
 - B. the identity of the author(s) or preparer(s) of each such document;
 - C. the identity of the sender(s) of each such document;
 - D. the identity(ies) of the person(s) to whom the original and any copies of each such document were sent;
 - E. a brief description of the nature and subject matter of each such document;
 - F. the date of each such document; and
 - G. the present location of each such document and the name, telephone number, and address of the current custodian.
2. Produce the documents described below as they are kept in the usual course of business or organized and labeled to correspond with the categories of this Request.
3. No communication, document or file requested should be altered, changed or modified in any respect. No communication, document or file requested should be disposed of or destroyed. You should take appropriate steps to protect all communications, documents and files from being misplaced or destroyed pursuant to any record retention or destruction policy or otherwise.
4. **The relevant date range for these Requests is March 1, 2019 through the present.**

C. Request For Production of Documents

1. Documents, including meta-data, sufficient to disclose the geospatial and location data associated with any person or entity who signed any document using “DocuSign” from any of the following email addresses:

AF@phxcapitalgroup.com
AFerrari@ferrarienergycorp.com
AFerrari@ferrarienergy.com
Aferrari@ferrarienergyco.com
DGF@phxcapitalgroup.com
LW@Phxcapitalgroup.com

2. Documents, including meta-data, sufficient to disclose the geospatial and location data associated with any person or entity who generated any document which was executed using “DocuSign” from any of the following email addresses:

AF@phxcapitalgroup.com
AFerrari@ferrarienergycorp.com
AFerrari@ferrarienergy.com

Aferrari@ferrarienergyco.com
DGF@phxcapitalgroup.com
LW@Phxcapitalgroup.com

3. The DocuSign eSignature, including the Certificate of Completion and/or Envelope History (Audit Trail) for each envelope evidencing any transaction signed using DocuSign, from any of the following email accounts or entities:

AF@phxcapitalgroup.com
AFerrari@ferrarienergycorp.com
AFerrari@ferrarienergy.com
Aferrari@ferrarienergyco.com
DGF@phxcapitalgroup.com
LW@Phxcapitalgroup.com

4. Documents, including meta-data, sufficient to disclose the IP address associated with any DocuSign eSignature for any transaction in which any of the following email addresses were used in the transaction.

AF@phxcapitalgroup.com
AFerrari@ferrarienergycorp.com
AFerrari@ferrarienergy.com
Aferrari@ferrarienergyco.com
DGF@phxcapitalgroup.com
LW@Phxcapitalgroup.com

5. Copies of all agreements and documents, including the Master Services Agreement, evidencing any agreement between You and any of the following:

Phoenix Capital Group Holdings, LLC
Lion of Judah Capital, LLC
Lion of Judah, LLC
Alpha and Omega Capital, LLC
Adam D. Ferrari

6. All subscriber information (e.g., customer name, email address, means and source of payment) for accounts between You and any of the following:

Phoenix Capital Group Holdings, LLC
Lion of Judah Capital, LLC
Lion of Judah, LLC
Alpha and Omega Capital, LLC
Adam D. Ferrari